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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,327	01/09/2001	Achim Vowe	GR 98 P 2054 US	5500
24131	7590	06/16/2004	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			CASIANO, ANGEL L	
			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/757,327

Applicant(s)

VOWE, ACHIM

Examiner

Angel L. Casiano

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 11-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/27/03, 12/3/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The present Office action is in response to application filed 09 January 2001.
2. Claims 1-17 are pending.

Information Disclosure Statement

3. The information disclosure statements (IDS) submitted on 27 October 2003 and 03 December 2003 were filed after the mailing date of the application on 09 January 2001. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

Drawings

4. The drawings are objected to under 37 CFR 1.83(b) because they are incomplete. 37 CFR 1.83(b) reads as follows:

When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes

made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The Specification cites that the submitted figure as "partially showing a configuration of a CAN module according to the invention" (see Page 7, lines 3-5). Examiner respectfully submits that the cited figure is incomplete.

5. The drawings are objected to because:

- Submitted figure is not labeled (as Figure 1).
- Submitted figure reads "storage element 2" and "storage element 3". Nonetheless, the cited figure is presented in the Specification (see Page 10, second paragraph) as containing "a first *set* of storage elements 2" and "a second *set* of storage elements 3".

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application.

Specification

6. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a

basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

7. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 2-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Claim 2 recites the limitation "components whose state is represented by the sets of data stored" in reference to claim 1. However, claim 1 claims sets of data representing different states of a *CAN module*. There is insufficient antecedent basis for this limitation in the claim. Claims 3-9 depend either directly or indirectly upon claim 2 and are therefore rejected under the same basis.

11. The term "low" in claim 3 is a relative term which renders the claim indefinite. The term "low capacity utilization" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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13. Claims 1-2, 4, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomson [US 5,600,782].

Regarding claim 1, Thomson teaches a controller area network (CAN) module including storage elements (see "registers", col. 5, lines 22-59) having data. Thomson explicitly teaches representing different states of the CAN module (see col. 12, lines 1-2).

As for claim 2, Thomson teaches two CAN nodes (see Figure 4). In addition, the prior art includes jointly utilized components that can be connected alternately to the CAN nodes (see col. 8, lines 22-31).

As per claim 4, Thomson teaches a component as a "CAN *protocol* controller device" (see col. 4, lines 24-25).

As for claim 9, Thomson teaches reactions to requests being determined in advanced and stored in buffer until the request occurs (see col. 5, lines 46-55, 65-67; col. 6, lines 1-4).

Regarding claim 10, Thomson teaches a controller area network (CAN) module for a microcontroller (see col. 4, line 67; col. 5, line 1; Figure 3, "19") including storage elements (see "registers", col. 5, lines 22-59) having data. Thomson explicitly teaches representing different states of the CAN module (see col. 12, lines 1-2).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomson [US 5,600,782] in view of applicant's admission of prior art [AAPA].

As for claim 3, Thomson does not explicitly teach components whose capacity utilization is low, as claimed. Nonetheless, AAPA teaches that a bit-stream processor (BSP) (see Page 3, line 25) is subject to "little capacity utilization". Accordingly, Thomson teaches a bit-stream processor (see Figure 4, "37" and "MUX 35B", "MUX 35A"). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention that Thomson teaches a component "whose capacity utilization is low", as mentioned in applicant's Specification [AAPA].

Claim Objections

16. Claims 5-8 and 11-17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Regarding claims 11-17, the prior art does not teach a CAN module having a first and second *bit timing logic units* and a separate *logic unit* specifically connected "between the bit

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timing logic units and the storage elements". As claimed (see claim 11), the logic unit is shared and alternately connected to one of the bit timing logic units. Furthermore, the state of the "logic unit" is represented and stored as data in the storage elements.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Green et al. [US 6,111,888] teaches an apparatus and method for deterministically communicating data between multiple nodes in a fashion that is consistent with the Controller Area Network ("CAN") communications protocol.
- Eltze et al. [DE 19758032 A] teaches interface for multiple CAN data processing networks.
- Eiche et al. [DE 19713240 A] teaches a method involving using an automatic system for the handling of addresses in a controller area network (CAN).
- Kolblin et al. [US 6,216,172 B1] teaches automatic CAN address allocation method.
- Lamberg [US 5,502,818] discloses determining the message identifiers in a control area network (CAN) data transmission network.

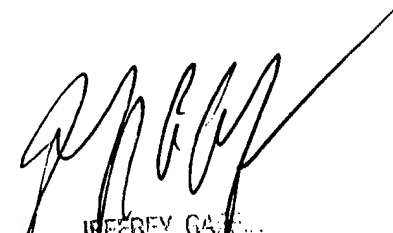
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel L. Casiano whose telephone number is 703-305-8301. The examiner can normally be reached on 9:30-6:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

alc
08 June 2004



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